

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**GOVERNMENT'S FIRST MOTION FOR AN EXTENSION OF TIME TO RETURN
INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(8), for a 65-day extension of time, to and including August 22, 2008, in which to seek the return of an indictment against the defendants, for the following reasons:

1. This investigation was initiated in April 2007, and involves at least 28 individuals whom the government charged by way of complaint on May 20, 2008 with conspiring to possess with intent to distribute and to distribute controlled substances, in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2. As outlined in the complaint, ISAIAH HICKS is the leader of a drug trafficking organization (hereinafter "the HICKS DTO"). Based on the investigation to date, the HICKS DTO is responsible for the distribution of crack cocaine in Chicago, Illinois.

2. Part of this investigation utilized Court-authorized Title III intercepts. Thousands of phone calls were intercepted over multiple phones during a 120-day period beginning in January 2008 and concluding in May, 2008. The investigation also resulted in several seizures of narcotics and narcotics proceeds from many of the defendants.

3. On May 21, 2008, 18 of the 28 defendants named in the complaint were arrested. Between May 28 and June 4, 2008, four additional defendants were taken into custody. Of those defendants who have appeared for initial appearances in the case, 11 have been released on bond. Three defendants remain at large.

4. A number of factors have led to the government's request for extension. Those factors are stated in the Attachment hereto, which the government respectfully requests be placed under seal. The government is requesting that this Attachment be sealed so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

5. Given the number of defendants involved, the length of time that this investigation has been ongoing, and the additional reasons stated in the government's sealed Attachment, the thirty days available to the government pursuant to Title 18, United States Code, Section 3161(b) in which to file an indictment or information against a defendant based on his arrest will not be sufficient. The United States estimates that a 65-day extension from the current expiration date of June 19, 2008, to and including August 22, 2008, will be sufficient time within which to return an indictment in this matter.

6. Among the factors identified by Congress as relevant to the determination whether time should be extended for indictment are those set forth in 18 U.S.C. § 3161(h)(8)(B), which provide in relevant part:

Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution... that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section; [or]

Whether, in case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts

upon which the grand jury must base its determination are unusual or complex.

Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(8)(B)(ii), (iii), and (iv).

7. The government respectfully submits that the 65-day continuance is warranted in this case pursuant to the forgoing provisions. The government has been conducting a diligent and thorough investigation in this case, but the investigation includes 28 (charged) defendants and thousands of intercepted phone calls, and additional factors warranting an extension of time (as cited in the government's Attachment) exist. The government cannot complete its investigation and appropriately conclude the investigation within the time allowed under Section 3161(b) of the Speedy Trial Act as currently extended.

8. Following telephone calls made between June 4 and June 10, 2008, counsel for the following defendants have represented that they do not object to this motion: VINCENT STRAUGHTER, DESHAWN GERMANY, MICHAEL GONZALEZ, ETHEL HAROLD, ISAIAH HICKS, ROMELL HOLLINGSWORTH, GLENN ISLAND, KEVIN MASUCA, MAXINE RUFFETTI, ANDREA THOMAS, JAMAL WASHINGTON, IVORY WATSON, COREY WILLIAMS, UBEX LOPEZ, CHRISTOPHER GAVIN and LATASHA WILLIAMS. Counsel for the following defendants have indicated their objection to this motion: SANFORD TOWNSEND, JR. and JOE LONG. Counsel for SCOTT O'NEAL has not responded to the government's telephone calls regarding his position on this motion. Counsel for TAMEKA GRANT and DANIEL COPRICH have stated that their clients have not yet reached a decision as to whether or not she

objects to the motion.

WHEREFORE, the United States respectfully requests a 65-day extension of time from June 19, 2008 to and including August 22, 2007 in which to seek an indictment in this case.

Respectfully submitted,

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Dated: June 11, 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CERTIFICATE OF SERVICE

I, STEPHEN A. KUBIATOWSKI, certify that on June 11, 2008, I caused the Government's First Motion for an Extension of Time to Return Indictment Pursuant to 18 U.S.C. § 3161(h): (1) to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division; and (2) a copy thereof mailed to:

See Attached Service List

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